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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1327 OF 2007**

Yojana Enterprises
Shivajinagar, Pune. ... Petitioner

V/s

Regional Provident Fund
Commissioner and anr. ... Respondents

Mr. A.D. Patwardhan for the petitioner.

Mr. Suresh Kumar for the respondents.

**CORAM: SMT. NISHITA MHATRE, J.**

**DATED: 13TH AUGUST, 2007.**

**P.C.**:

1. The petitioner has challenged the order dated 30.10.2006 under which the Regional Provident Fund Commissioner has directed the payment of Rs.6,74,233/- under Section 7Q of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 alongwith interest at the rate of 12% per annum.

2. The petitioner has not disputed the amount which is ordered to be paid by it. The only issue raised by the petitioner is that the mode of recovery adopted by the respondents was not correct as the bank account of the

petitioner was frozen. According to the petitioner, it is a contractor for several companies besides M/s. Devgi Metal Wares Pvt. Ltd., on which account the provident fund dues were ordered to be paid.

3. An affidavit is filed by one Mr. Sandeep B. Chaphekar, proprietor of the petitioner contending that pursuant to the orders of this Court passed on 5.3.2007 in the writ petition, he has been depositing a sum of Rs.40,000/- per month with effect from March, 2007 onwards. He has undertaken to continue to deposit Rs.40,000/- per month in order to clear the entire liability. An amount of Rs.2,40,000/- has already been deposited by the petitioner with the respondent.

4. The statement made by Mr. Sandeep B. Chaphekar in his affidavit dated 9.8.2007 is accepted. The amount of Rs.6,74,233/- shall be paid by him together with interest at the rate of 12% p.a. as directed by the Regional Provident Fund Commissioner in the order annexed at Annnexure "C" at page 18, to the petition.

5. Petition disposed of accordingly.

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